

FILED BY *AC* D.C.
IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE 8:46
WESTERN DIVISION

ROBERT R. DI THOLIO
 CLERK, U.S. DIST. CT.
 W.D. OF TN, MEMPHIS

DEBRA PRICE, ROBERT TUCKER,
 AUBREY CARLISLE, MARVIN L. NUTT
 and all similarly situated persons,

Plaintiffs,

ACOSTA, INC.,

Defendant.

CIVIL ACTION
 NO. 03-2686-MI/P

**ORDER ON PLAINTIFFS' MOTION
 TO EXPAND CERTIFICATION OF COLLECTIVE ACTION**

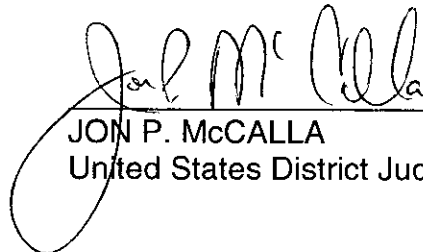
Before the Court is Plaintiffs' Supplemental Motion and Memorandum to Expand Certification of this Collective Action. Defendant filed its Response in opposition on May 5, 2005, and a hearing was held by the Court on Friday, May 6, 2005.

After careful consideration of the facts presented, the arguments of counsel, and the entire record, the Court believes that Plaintiffs have presented sufficient evidence for expanding the certification of this collective action which is at the notice stage of litigation under Section 216(b) of the Fair Labor Standards Act. Accordingly, this collective action is expanded to include all persons who hold, or have held, any of the following job titles with Acosta, Inc. at any time during the time period since September 12, 2000, the date three (3) years prior to the date this action was filed. These job titles are: (1) Territory Manager; (2) Senior Territory Manager; (3) Territory Manager/Reset; (4) Senior Territory Manager/Reset; (5) Retail Coverage Merchandiser;

(6) Dedicated Team Retail Coverage Merchandiser; (7) Store Reset Specialist; (8) Store Reset Coordinator; (9) Retail Sales Representative; and (10) Category Sales Representative. Defendant is to provide Plaintiffs' attorneys an updated and complete list of all persons within the scope of this Order as soon as practicable.

The parties are directed to agree on the form, content and process of the Notice to be sent to prospective class members and to send the Notice within ten (10) days of the date this Order is entered. If the parties are unable to agree on the form, content or process of the Notice, they may submit any dispute to the Court for resolution.

IT IS SO ORDERED, this 9 day of May, 2005.



JON P. McCALLA
United States District Judge



Notice of Distribution

This notice confirms a copy of the document docketed as number 63 in case 2:03-CV-02686 was distributed by fax, mail, or direct printing on May 10, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT